

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUE EARL,

Plaintiff,

v.

2007 Civ. 09595 (RMB)

NOVARTIS CONSUMER HEALTH,
INC,

Defendant.

Plaintiff Sue Earl ("Plaintiff" or "Ms. Earl"), by her attorneys, for her Response to Defendant's First Set of Requests for Admission, states as follows.

1. Plaintiff was employed by Novartis Nutrition Corporation and, before that, by Sandoz Nutrition Corporation.

ANSWER: Plaintiff admits and further responds that she was also employed by Novartis Consumer Health, Inc.

2. Plaintiff was not employed at any time by Novartis Consumer Health, Inc.

ANSWER: Plaintiff denies.

3. Plaintiff received paychecks and paystubs showing that her wages were paid by Novartis Nutrition Corporation.

ANSWER: Plaintiff admits.

4. Plaintiff received IRS W-2 forms showing that her employer was Novartis Nutrition Corporation.

ANSWER: Plaintiff admits.

5. Plaintiff never received any paychecks or paystubs showing her employer to be Novartis Consumer Health, Inc.

ANSWER: Plaintiff admits.

6. Plaintiff never received any IRS W-2 forms showing her employer to be Novartis Consumer Health, Inc.

ANSWER: Plaintiff admits.

7. Attached hereto as Exhibit A is a copy of the Charge of Discrimination Plaintiff filed with the Equal Employment Opportunity Commission ("EEOC") on May 24, 2005.

ANSWER: Plaintiff admits.

8. Plaintiff signed the first and last pages of Exhibit A.

ANSWER: Plaintiff admits.

9. Plaintiff signed Exhibit A under oath.

ANSWER: Plaintiff admits that she signed the last page of Exhibit A under oath.

10. At the time Plaintiff filed Exhibit A, she was represented by an attorney.

ANSWER: Plaintiff admits.

11. Plaintiff consulted with an attorney regarding her employment discrimination claims prior to filing Exhibit A.

ANSWER: Plaintiff admits.

12. The second through fourth pages of Exhibit A were prepared by an attorney.

ANSWER: Plaintiff denies. Further responding, Plaintiff provided the information submitted in the second through fourth pages of Exhibit A with the assistance of counsel.

13. Exhibit A is the only Charge of Discrimination Plaintiff has ever filed with the EEOC.

ANSWER: Plaintiff admits.

14. Exhibit A is the only Charge of Discrimination Plaintiff has ever filed with the EEOC in which she has named or identified any Novartis-related entity.

ANSWER: Plaintiff admits.

15. Other than Exhibit A, Plaintiff has not filed any charge or complaint alleging employment discrimination with any state administrative agency.

ANSWER: Plaintiff admits.

16. Plaintiff has never filed with the EEOC or any state administrative agency a charge or complaint alleging discrimination in which she expressly identified "Novartis Consumer Health, Inc." as her employer.

ANSWER: Plaintiff admits.

17. Plaintiff has never filed with the EEOC or any state administrative agency a charge or complaint alleging discrimination in which she expressly identified "Novartis Nutrition Corporation" as her employer.

ANSWER: Plaintiff admits.

Respectfully submitted this 23rd day of May, 2008.

By: Steven Wittels / JS

Steven Wittels, (SLW-8110)

Jeremy Heisler, (JH-0145)

SANFORD WITTELS & HEISLER, LLP

950 Third Avenue, 10th Floor

New York, NY 10022

Telephone: (646) 723-2947

Facsimile: (646) 723-2948

David W. Sanford, D.C. Bar No. 457933

SANFORD WITTELS & HEISLER, LLP

1666 Connecticut Avenue, N.W., Suite 310

Washington, D.C. 20009

Telephone: (202) 742-7780

Facsimile: (202) 742-7776

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY certify that a copy of the foregoing has been served on May 23, 2008 via
First Class Mail in a prepaid envelope, correctly addressed to the following:

Allyson Marie Smith, Esq.
Peter O. Hughes, Esq.
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
10 Madison Avenue, Suite 402
Morristown, NJ 07960

Attorneys for Novartis Consumer Health, Inc.


Blevin Shelnett